

Remarks

Applicants respectfully request reconsideration of the above-identified application. Claims 1-106 remain in this application. New claims 56-106 have been added. Applicants respectfully traverse the rejections as applied to the previous and new claims.

I. Allowable Subject Matter.

Applicants note with appreciation the indication that dependent claims 3, 11, 14-16, 28-29, 36, and 39-41 are directed to allowable subject matter.

Applicants also note that although dependent claims 11, 14-16, 36, and 39-40 were indicated as directed to allowable subject matter, these claims were also listed as obvious in view of the combination of Mossbrook and Qinghong, and further claim 36 was also listed as anticipated by Mossbrook. Clarification is respectfully requested.

II. New Claims

New dependent claims 56-61 have been added, which depend from original dependent claims 19-24, respectively.

New dependent claims 62-68 have been added, which depend from original dependent claims 45-51, respectively.

New dependent claims 69-82 have been added, which depend from dependent original claim 41. As noted above, original claim 41 has been indicated as directed to allowable subject matter.

New dependent claims 83-94 have been added, which depend from original independent claim 54.

New dependent claims 95-106 have been added, which depend from original independent claim 55.

III. Anticipation Rejection Based on Mossbrook

Claims 1-2, 4-9, 12-13, 17, 18-20, 23-27, 30-34, 36-38, 42-46, and 50-55 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent 6,231,953 to Mossbrook.

Applicants respectfully traverse this rejection.

To anticipate a claim, an applied reference must teach each and every element of the claim. MPEP §2131. Mossbrook fails to teach or suggest *curing* an ink or varnish to form a radiation-cured ink or a radiation-cured varnish; and accordingly, Mossbrook fails to anticipate independent claims 1, 27, and 54-55.

In particular, Mossbrook fails to teach or suggest a “cured ink selected from . . . radiation-cured inks and thermoset inks” as recited by claim 1. Further, Mossbrook fails to teach or suggest “a cured varnish selected from . . . radiation-cured varnishes and thermoset varnishes” as recited by independent claim 27. And Mossbrook fails to teach or suggest “a varnish selected from . . . radiation-curable varnishes and thermoset varnishes” as recited by independent claims 54 and 55.

Applicants set forth the reasoning for this position in Section II of the previous Response mailed February 17, 2003. In the interest of brevity, those remarks are not repeated here, but are incorporated by reference.

The previous Office Action invited objective evidence to counter the proposition that “Mossbrook’s ‘crosslinking’ is deemed to be curing” of radiation-curable inks or varnishes. (Office Action mailed April 24, 2003 at page 7, lines 19-22.) To that end, Applicants submit with this Response the Declaration of Mendy J. Mossbrook, one of the inventors of the Mossbrook reference applied in this instance. Ms. Mossbrook explains that the Mossbrook reference does not disclose a radiation-cured ink or varnish, as those terms are understood in the art.

The rejected dependent claims contain recitations in addition to those of the independent claims from which they depend, and are therefore further patentable over Mossbrook.

IV. Obviousness Rejection Based on Mossbrook

Dependent claims 21-22 and 47-49 were rejected under 35 U.S.C. §103(a) as obvious in view of U.S. Patent 6,231,953 to Mossbrook.

Applicants respectfully submit that a *prima facie* case of obviousness has not been established to shift the burden of rebuttal to the Applicant. One of the requirements of a *prima facie* case of obviousness is that the applied prior art reference must teach or suggest *all* of the claim limitations. MPEP §706.02(j).

Dependent claims 21-22 ultimately depend from independent claim 1. Dependent claims 47-49 ultimately depend from independent claim 27. A dependent claim incorporates all of the recitations of the independent claim from which it depends.

At the least, a *prima facie* case of obviousness has not been established with respect to dependent claims 21-22 and 47-49 because Mossbrook fails to suggest all of the limitations of the independent claims from which claims 21-22 and 47-49 depend. The previous section of this Response sets forth Applicants' argument as to why Mossbrook fails to teach or suggest either a "cured ink selected from . . . radiation-cured inks and thermoset inks" as recited by independent claim 1 (and thus dependent claims 21-22) or "a cured varnish selected from . . . radiation-cured varnishes and thermoset varnishes" as recited by independent claim 27 (and thus dependent claims 47-49). That argument is not repeated here in the interest of brevity.

V. Obviousness Rejection Based on Mossbrook with Qinghong

Dependent claims 10-11, 14-16, 35-36, and 39-40 were rejected under 35 U.S.C. §103(a) as obvious in view of Mossbrook combined with U.S. Patent 6,046,330 to Qinghong.

A claimed invention is not obvious in view of a combination of references that does not teach or suggest all of the claim recitations. MPEP §2143.03. Dependent claims 10-11 and 14-16 depend from independent claim 1. Dependent claims 35-36 and 39-40 depend from independent claim 27. Accordingly, these dependent claims include all of the recitations of the independent claims from which they depend.

Qinghong fails to supplement the above-noted shortcomings of Mossbrook with respect to independent claims 1 and 27 – namely, the failure of Mossbrook to teach or suggest either a "cured ink selected from . . . radiation-cured inks and thermoset inks" as recited by independent claim 1 or "a cured varnish selected from . . . radiation-cured varnishes and thermoset varnishes" as recited by independent claim 27.

Qinghong teaches ultraviolet (UV) *absorbers*. (Column 1, lines 9-10.) UV absorbers may be used for “the treatment of textile, paper, wood, and any other surfaces [such as plastics] which are exposed to photo-degradations.” (Column 3, lines 14-16 and 50-51.) As is known in the art, a UV absorber “preferentially absorbs UV radiation and dissipates the associated energy in a harmless manner,” for example, to reduce the UV degradation of plastics. (Whittington’s Dictionary of Plastics at p. 526 (3rd Ed. 1993).) UV absorbers may also be incorporated in or onto fabrics to improve the sun protection factor (SPF) of the fabrics – and thus reduce the harmful UV exposure to human skin. (Column 8, lines 19-22.)

Qinghong points out one problem with standard UV absorbers that are used, for example, to protect automotive fabrics and upholstery. The UV absorbers “readily sublime from substrate coatings, and produce ‘fog’ which accumulates on other nearby surfaces” – that is, forming an opaque film on the inside of the car windows. (Column 2, lines 27-32.) Qinghong’s UV absorber/quaternary ammonium complex allows the use of a UV absorber without the fogging associated with standard UV absorbers – that is, without the sublimation of the UV absorber from the fabric to form an accumulation of the UV absorber on the inside of the windshield. (Column 3, lines 45-55.)

The fogging described by Qinghong has nothing to do with the fogging described by the present application. Qinghong’s fogging is the accumulation of *UV absorbers* on the inside of a windshield. To the contrary, the fogging described in the present application is the collection of small *moisture droplets* that condense on the inner side of a packaging film. (Application at page 1, lines 12-18.)

Applicants respectfully traverse the statement in the previous Office Action that “Qinghong teaches UV curable inks.” (Office Action mailed April 24, 2003 at page 6, line 15.) The Office Action cites claim 15 of Qinghong to support that position. However, claim 15 of Qinghong merely teaches that the Qinghong UV-absorbing complex can be incorporated into an ink. Nowhere does Qinghong teach, discuss, or suggest a *UV-curable* ink. Simply put, the incorporation of a UV absorber into an ink does not make a UV-curable ink. Rather, it would make an ink with enhanced protection against UV degradation.

Accordingly, since Qinghong fails to supplement the shortcomings of Mossbrook to teach or suggest all of the claim recitations, as noted above, the combination of Qinghong with Mossbrook fails to establish a *prima facie* case of obviousness regarding dependent claims 10-11, 14-16, 35-36, and 39-40.

VI. Evidence of Common Ownership of Mossbrook

The present application was filed after the November 29, 1999 amendment to 35 U.S.C. §103(c). As evidence of common ownership (or an assignment obligation to the same person) at the time the invention was made, the undersigned attorney hereby states that the subject matter of U.S. Patent 6,231,953 to Mossbrook and the present application were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. Thus, Mossbrook is excluded as a reference available as §102(e) prior art under §103(c).

International Patent Application Publication WO 00/47683 – which is the PCT counterpart application to U.S. Patent 6,231,953 to Mossbrook – published on August 17, 2000, that is, before the September 8, 2000 priority filing date of the present application. WO 00/47683 is of record in the present application.

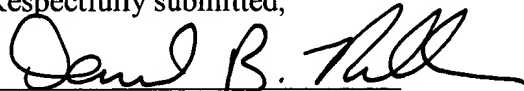
VII. Conclusion

In view of these remarks, it is respectfully submitted that the present application is in condition for allowance. A notice to that effect is earnestly and respectfully requested.

Sealed Air Corporation
P.O. Box 464
Duncan, SC 29334

864/433-2496

Respectfully submitted,



Daniel B. Ruble
Registration No. 40,794

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